HOUSE FILE 480
BY SHIPLEY

A BILL FOR

An Act relating to the decriminalization of certain schedule I controlled substances for the purposes of use by a patient diagnosed with a terminal illness or a life-threatening disease or condition.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 124.204, subsection 4, paragraphs j, l, p, s, t, and z, Code 2021, are amended to read as follows:

j. Dimethyltryptamine, except as otherwise provided in subsection 8A. Some trade or other names: DMT.

l. Lysergic acid diethylamide, except as otherwise provided in subsection 8A.

p. Peyote, except as otherwise provided in subsection 8 or subsection 8A. Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or extracts.

s. Psilocybin, except as otherwise provided in subsection 8A.

t. Psilocyn, except as otherwise provided in subsection 8A.

z. 3,4-methylenedioxymethamphetamine (MDMA), except as otherwise provided in subsection 8A.

Sec. 2. Section 124.204, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. *Dimethyltryptamine, lysergic acid diethylamide, peyote, psilocybin, psilocyn, and MDMA.*

a. Nothing in this chapter shall apply to dimethyltryptamine, lysergic acid diethylamide, peyote, psilocybin, psilocyn, or MDMA when prescribed, possessed, handled, transported, delivered, or distributed by a health care provider or when possessed, handled, transported, or used by an eligible patient, in accordance with this subsection.

b. For the purposes of this subsection:

(1) *"Eligible patient"* means an individual who meets all of the following conditions:

(a) Has a terminal illness or a life-threatening disease or condition attested to by the individual's treating health care provider.

(b) Has considered and rejected or has tried and failed

to respond to other treatment options approved by the United States food and drug administration.

(c) Has received a recommendation from the individual's treating health care provider for use of the controlled substance.

(d) Has documentation from the individual's treating health care provider that the individual meets the requirements of this subparagraph (1).

(e) Has given written informed consent for the use of the controlled substance.

(2) *"Health care provider"* means a person required to be licensed, accredited, registered, or certified pursuant to chapter 147 to perform specified health services that include determining whether a patient has a life-threatening disease or condition or a terminal illness.

(3) *"Life-threatening disease or condition"* means any of the following:

(a) A disease or condition where the likelihood of death is high unless the course of the disease is interrupted.

(b) A disease or condition with a potentially fatal outcome, where the end point of a clinical trial analysis is survival.

(4) *"Terminal illness"* means a progressive disease or medical or surgical condition that entails significant functional impairment, that is not considered by a treating health care provider to be reversible even with administration of treatments approved by the United States food and drug administration, and that, without life-sustaining procedures, will result in death.

(5) *"Written informed consent"* means a written document that is signed by the patient, a parent of a minor patient, or a legal guardian or other legal representative of the patient and attested to by the patient's treating health care provider and a witness and that includes all of the following:

(a) An explanation of the products and treatments approved by the United States food and drug administration for the

disease or condition from which the patient suffers.

(b) An attestation that the patient concurs with the patient's treating health care provider in believing that the products and treatments approved by the United States food and drug administration are unlikely to prolong the patient's life.

(c) Clear identification of the specific proposed controlled substance the patient is seeking to use.

(d) A description of the best and worst potential outcomes of using the controlled substance and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and that death could be hastened by use of the controlled substance. The description shall be based on the treating health care provider's knowledge of the controlled substance in conjunction with an awareness of the patient's condition.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the decriminalization of certain schedule I controlled substances for the purposes of use by a patient diagnosed with a terminal illness or a life-threatening disease or condition.

Under the bill, the provisions of Code chapter 124 (controlled substances) including prohibited acts and penalties, do not apply to dimethyltryptamine (DMT); lysergic acid diethylamide (LSD); peyote; psilocybin; psilocyn; or MDMA when prescribed, possessed, handled, transported, delivered, or distributed by a health care provider or when possessed, handled, transported, or used by an eligible patient, in accordance with the bill. Under the bill, an individual is an eligible patient if the individual has a terminal illness or a life-threatening disease or condition attested to by the individual's treating health care provider; has considered and rejected or has tried and failed to respond to other

treatment options approved by the United States food and drug administration; has received a recommendation from the individual's treating health care provider for use of the controlled substance; has documentation from the individual's treating health care provider that the individual meets these requirements; and has given written informed consent for the use of the controlled substance.

The bill provides definitions for "eligible patient", "health care provider", "life-threatening disease or condition", "terminal illness", and "written informed consent".